IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 18150 of 2004

Between:

The Toddy Tappers Co-op Society, Veerlapalli Village, Ramagundam (M),
rep. by its Vice-President B. Raju Mallu S/o Raja Goud, Hindu, aged 45 years, R/o Veerlapalli Village, Ramagundam Mandal, Karimnagar District.

..... PETITIONER

AND

1 The Commissioner of Proh & Excise, Government of Andhra Pradesh,

Nampally, Hyderabad.
2 The Superintendent, Prohibition & Excise, Karimnagar, Karimnagar District.
3 The Toddy Co-operative Society, Venkatraopally Village, Kamanpura

Mandal, Karimnagar District, rep. by its President P. Bikshapathi Goud.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Mandamus under Article 226 of the constitution of India declaring that the action of the 2nd respondent not even called for any objections from the Petitioner and conducting an ex-parte enquiry and proposing to take action for shifting of the Petitioner's existing shop to survey number : 80 & 81 and also the 4th Respondent shop from survey number: 500 to petitioners area of operation i.e. Kamanpur Mandal to Ramagundam Mandal is illegal, improper and arbitrary and unconstitutional.

Counsel for the Petitioner: SMT.A.PADMA

Counsel for the Respondent Nos.1 and 2: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.3: ----

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondents 1 and 2.

As can be seen from the material on record, the petitioner Society is holding a licence for retail sale of toddy, which is valid upto 31.03.2007, and has been carrying on the business in the licensed premises located at Survey No.490 of Veerlapally, Ramagundam Mandal, Karimnagar District. It appears that the third respondent, who is a licence holder of Venkatraopally village, Kamanpura Mandal, Karimnagar District, having the shop at Survey No.500 made a representation before the first respondent on 30.06.2004 alleging that the petitioner Society is not authorised to locate its shop at Survey No.490 and therefore to shift the same to its original place in Survey Nos.81 and 82 of Veerlapalli village. The third respondent also sought permission to shift its licensed shop from Survey No.500 to Survey No.490. The third respondent herein filed W.P.No.11487 of 2004 alleging that the respondents failed to consider its representation dated 30.06.2004. This Court by order dated 07.07.2004 disposed of the said writ petition with a direction to the first respondent herein to dispose of the representation dated 30.06.2004 expeditiously after complying with the formalities.

Now, the grievance of the petitioner is that in pursuance of the said orders of this Court, the first respondent is taking steps to dispossess the petitioner from its licensed premises located in Survey No.490 without calling for objections from the petitioner and without conducting any enquiry as to the allegations made by the third respondent in its representation dated 30.06.2004.

Having regard to the facts and circumstances of the case, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the respondents 1 and 2 to conduct necessary enquiry in pursuance of the orders of this Court in W.P.No.11487 of 2004 dated 07.07.2004, after affording due opportunity to the petitioner, who is the fourth respondent in the said writ petition, and to pass appropriate orders in accordance with law.

Till such orders are passed, there shall be a direction to the respondents not to interfere with the petitioner's existing shop situated at Veerlapally village, Ramagundam Mandal, Karimnagar District.

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06.10.2004

VGB

To

1 The Commissioner of Prohibition & Excise, Government of Andhra Pradesh,

Nampally, Hyderabad.

2 The Superintendent, Prohibition & Excise, Karimnagar, Karimnagar District.

3 2CCs to the Government Pleader for Prohibition and Excise, High

Court Buildings, Hyderabad (OUT)

4 2CD copies